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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,400	07/13/2001	Vaishali Angal	26196-702	3745
40418	7590	07/08/2005	EXAMINER SMITH, TRACI L	
HEIMLICH LAW 5952 DIAL WAY SAN JOSE, CA 95129			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,400

Applicant(s)

ANGAL ET AL.

Examiner

Traci L. Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 & 69-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This action is in response papers filed on May 1, 2005.
2. Claims 1-32 and 69-71 were elected by applicant. Examiner notes the election had a typo in that claim 32 was in both species A and B. Claim 32 falls into species B, which is correlation of data. Therefore is not included in the election of Species A.
3. Claims 1-31 and 69-71 are pending.
4. Claims 1-31 and 69-71 are rejected.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 refers to the "allowing" and what it includes. However, there is no information directed to "allowing" in claim 10 that which 17 depends from. It is unclear what allowing is and how it's tied into the method of claim 10.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-31 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

8. 1st Prong test: Claims 1-31 fail to fall within the technological arts in that there are no positive recitation of a computer system processing the data. There nominal mention of storing using a computer and computer language that can be included. Given to broad interpretation a human being could merely be reviewing the retrieved data and performing the extraction by themselves without the requirement of a computer system manipulating the data.

9. 2nd Prong test: Claims 1-31 fail to produce a concrete tangible result. It is believed that the applicant is intending to create a report in which an individual can use as a resource tool when making a product purchase, using it as a tool for product trait comparison. Applicant can overcome this portion of the rejection by claiming in the independent claim the template and that the template is a comparison table of the core product information.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-31 and 69-71 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,134,534; Walker et al. Conditional purchase offer management system for cruises.
12. As to claim 1 and 22 Walker teaches a system and method for
 - a. Gathering production information from multiple establishments describing the product(C. 3 I. 19-26)
 - b. Removing the brand name(C. 7 I. 45-56)
 - c. Creating a database with only the core production information(Fig. 9a & 9b).
13. As to claims 2, 7 and 27 Walker teaches the core product information that is used by multiple establishments(C 3. I. 16-17).
14. As to claim 3 Walker teaches the core product information in a database(Fig. 9a).
15. As to claim 4 Walker teaches providing access to the product information(C. 5 I. 18-19).
16. As to claims 5 and 23 Walker teaches all the different information that can be counted as "core" information; including availability status, and price.
17. As to claim 6 Walker teaches information displayable in a template.(Fig. 10 a)
18. As to claims 8-10, 12-13, 15, 24-26 and 28 Walker organizing the data base in several different ways, depending on the information provided by the airlines(C. 5 I. 46-52.).
19. As to claims 11,16 and 30 Walker teaches categorizing core traits. (Fig. 9a)

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20. As to claims 17 and 31 Walker teaches placing core trait information into a template to display to user.(Fig. 10a).

21. as to claim 18 Walker teaches a rule for setting priorities to the core traits.(C. 5 l. 55-57).

22. As to claims 19 and 29 Walker teaches removing information several times.(C. 9 l. 35038).

23. As to claim 20 and 21 Walker teaches a method and system of storing digital computer communication.(C. 9 l. 6-9 & 36-40). Although Walker fails to teach "XLM" language explicitly, this limitation is non-functional descriptive data as it only describes how the information is stored and not required to perform the other steps in the method nor does it change the outcome of the information that is stored.

24. As to claims 69-70 Walker teaches

a. Gathering production information from multiple establishments describing the product(C. 3 l. 19-26)

b. Removing the brand name(C. 7 l. 45-56)

c. Creating a database with only the core production information(Fig. 9a & 9b).

d. providing access to the information(C. 4 l. 18-19)(fig. 10a).

25. As to claim 71 Walker teaches the system being performed over a server(C. 6 l. 26-28).

Conclusion

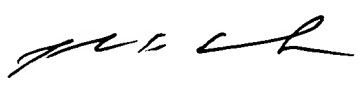
26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Non-patent Literature articles "Hotwire Launch to Provide Yet Another Way to Offload Cheap Inventory." World Airline News Sept. 8, 2000. "News, Tips and Bargains; A new spot to troll for cheap air fares"; Los Angeles Times Oct. 29, 2000.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 572-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tls


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